THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7060 OF 2006

DATED: 01-02-2007

BETWEEN

Gundla Maddi Reddy, S/o. Paresappa,
Occ: Business, R/o. Cheluruvandlapalle,
H/o. Boorlapalle, P.T.M. Mandalam,
Chittoor District.

...PETITIONER

AND

The Superintendent of Police,
Chittoor and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the second respondent in calling the petitioner to the police station and threatening him and the inaction of the first respondent in not taking action without due regard to the orders dated 17.03.2006 passed in I.A.No.96 of 2006 in O.S.No.30 of 2006 as illegal and arbitrary.

2. It is the case of the petitioner that he is a tenant of the third respondent and when the third respondent made an attempt to illegally dispossess him he filed a suit and obtained temporary injunction in I.A.No.96 of 2006 in O.S.No.30 of 2006 on the file of the Junior Civil Judge, Thamballepalle. It is stated in spite of obtaining interim injunction the third respondent with the help of police is threatening him to vacate the premises and the police is unnecessarily calling him and making him sit in the police station by way of interfering with his civil disputes.

3. Counter has been filed stating that the petitioner is a tenant of the third respondent on a monthly rent of Rs.180/- and the third respondent lodged a complaint on 03.03.2006 alleging that the petitioner is refusing to vacate the shutter given on lease and requested to do justice. It is stated that the police except entering the contents of the complaint in the General Diary did not register any FIR and did not call the petitioner to the police station and threatened him.

4. I am of the opinion that the police cannot interfere with the civil disputes of the petitioner and the third respondent. It appears that there is some pressure on the petitioner as having obtained interim injunction the petitioner was constrained to file this writ petition making certain allegations against the police in interfering with his civil disputes. Though the official respondents have denied the allegations of the petitioner, I am of the opinion that the police cannot interfere with the life and liberty of the petitioner.

The writ petition is accordingly disposed of directing the police officials not to interfere with the civil rights of the petitioner except otherwise in accordance with law and unless a report has been filed alleging that the petitioner has committed a cognizable offence. There shall be no order as to costs.

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V. ESWARAIAH, J

February 1, 2007
DSK